**CITY OF COLLINSVILLE, OKLAHOMA**

**ORDINANCE NUMBER 900**

**AN ORDINANCE RELATING TO PEDDLERS AND SOLICITORS REPEALING PART 2, CHAPTER 40 SECTION 40-1 THROUGH 40-35 AND REPLACING AND ADDING TO THE CODE A NEW ORDINANCE FOR THE REGULATION OF PEDDLERS AND SOLICITORS TO APPEAR AT PART 2 CHAPTER 40 SECTION 40-1 THROUGH 40-14 PROVIDING FOR SEVERABILITY, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.**

 **BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF COLLINSVILLE, TULSA COUNTY, STATE OF OKLAHOMA, AS FOLLOWS:**

 ***SECTION I*:** An ordinance repealing that section of the code relating to peddlers and solicitors, Part 2, Chapter 40, Section 40-1 through Section 40-35 and replacing and adding to the code a new ordinance for the regulation of peddlers and solicitors to appear at Part 2, Chapter 40, Section 40-1 through 40-14.

CHAPTER 40

PEDDLERS and SOLICITORS

Section 40-1 Definitions

Section 40-2 Issuance

Section 40-3 License Required

Section 40-4 Application Required

Section 40-5 Display of License

Section 40-6 No Knock List

Section 40-7 Prohibited Acts

Section 40-8 License Record

Section 40-9 License Period and Fee Schedule

Section 40-10 Transfer of License Prohibited

Section 40-11 Replacement of Lost License

Section 40-12 Grounds for Denial or Revocation of License

Section 40-13 Process of Revocation or Denial of License and Appeal

Section 40-14 Penalty

**SECTION 40-1 DEFINITIONS**

The listed terms and phrases, as used in this section, shall be defined as follows:

1. License: The written authority of the City, issued by its duly authorized agent, employee or officer, conferring permission on some person to pursue and exercise a trade, occupation, or business for a definite period of time within the limits of the City, under the conditions prescribed by ordinance.
2. Solicit: Includes any one or more of the following
	1. Selling or offering for sale, or taking or attempting to take orders for the sale of goods or services of any kind character or description;
	2. Requesting directly or indirectly contributions of funds on the plea or representation that such contributions will be used for a charitable purpose;
	3. Peddling as defined in this section.
3. Solicitor: Any person who solicits.
4. Peddle: To travel from house to house, door to door, street to street, or place to place, carrying, conveying, or transporting goods, wares, or merchandise for the purpose of offering and exposing the same for sale.
5. Peddler: Any person who peddles.

**SECTION 40-2 ISSUANCE**

1. The issuance of all licenses, collection of all license fees, inspection of all licenses, and the enforcement of license conditions and revocation of licenses, shall be under the jurisdiction of the City Clerk, except where such duties are placed elsewhere by the ordinance prescribing the particular license.

2. No license for soliciting shall be issued until a satisfactory application has been submitted and approved, the required license fee has been paid to the City Clerk and all other conditions and requirements under this section have been satisfied.

**SECTION 40-3 LICENSE REQUIRED**

It is unlawful for any person, firm or corporation, either as principal, officer, agent, servant or employee, to engage in any of the callings, trades, professions or occupations for which a license is required, in this section, including soliciting, without first paying to the City Clerk the required fee and procuring a license as required by this section from the City Clerk. This section shall not apply to non-profit youth organizations engaging in door-to-door solicitation.

**SECTION 40-4 APPLICATION REQUIRED**

Applicants for a Solicitor’s license must complete and submit an application provided by the City Clerk which shall include no less than the following information and attachments:

1. Name and current address of the individual, business, or organization, to include phone and email contact information;
2. Details of solicitation, to include beginning and end date and description of goods or services to be sold;
3. Detailed personal information and physical description of solicitor(s);
4. Social security number, current, valid driver’s license or state issued identification card of solicitor;
5. Vehicle information relating to vehicles used in the solicitation, to include make, model, year, tag number and a copy of vehicle’s current insurance verification;
6. A statement as to whether or not the applicant has been convicted of a felony or misdemeanor involving moral turpitude within the past five (5) years;
7. Valid and current State of Oklahoma sales tax permit information, unless the applicant can prove to the City Clerk’s satisfaction that such permit is not mandated under the definition of the State Tax Code.

**SECTION 40-5 DISPLAY OF LICENSE**

All persons issued a license under this section shall at all times display the license prominently on their person, shall carry at least one (1) form of photo identification, and shall produce the license and photo identification for inspection and review at any time upon request by any City official, law enforcement officer or person to whom the solicitor is attempting to solicit or peddle.

**SECTION 40-6 NO KNOCK LIST**

1. The City Clerk shall prepare and maintain a list of all residents within the City who desire to prevent soliciting and peddling at their residence which shall be known as the No Knock List. Residents of the City who desire to have their addresses placed on the No Knock List may do so by contacting the City Clerk’s office.
2. Solicitors must obtain a copy of the No Knock List from the City Clerk’s office at the time they obtain a license, and are expressly prohibited from soliciting or peddling at any residence listed on the No Knock List. Contacting residents in disregard of the No Knock List may result in revocation of a Solicitor’s license and/or assessment of a fine.
3. This provision shall not apply to non-profit organizations, groups and associations.

**SECTION 40-7 PROHIBITED ACTS**

The following acts are prohibited and may result in the revocation of any person’s license:

1. It shall be unlawful for a Solicitor to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of soliciting at a residence or dwelling which is listed on the No Knock List or upon which a sign stating “No Solicitors,” “No Trespassers,” or words of similar import indicating such persons are not wanted on the premises, is painted, affixed or otherwise plainly displayed to public view either on or near the primary entrance of the residence. This paragraph shall not apply to any Solicitor who gains admittance to a residence either by invitation or consent of the residence’s occupant.
2. It shall be unlawful for any Solicitor to solicit between the hours of dusk and 9:00 a.m.

**SECTION 40-8 LICENSE RECORD**

The City Clerk shall maintain a record of all Solicitor licenses issued under this section showing the date of the issuance, the person to whom the license was issued and the time period covered by the license.

**SECTION 40-9 LICENSE PERIOD AND FEE SCHEDULE**

1. The license fee which shall be charged by the City Clerk for a Solicitor license shall include the cost of a background check and shall be established by resolution of the City Council.

2. No license fee shall be charged to a non-profit organization. A non-profit organization is defined as any organization or corporation organized not for profit but for the promotion of the welfare or education of others and which is exempt from federal and/or state income tax by virtue of its non-profit status. A registration form shall be completed and submitted whenever members or representatives of a non-profit will be soliciting or peddling within the City.

**SECTION 40-10 TRANSFER OF LICENSE PROHIBITED**

No Solicitor license may be sold or otherwise transferred. Each license is issued on consideration of the fitness of an applicant to hold that license and shall not be transferred.

**SECTION 40-11 REPLACEMENT OF LOST LICENSE**

Whenever an original license has been lost or destroyed, the City Clerk shall issue a duplicate license. The fee for a duplicate license shall be established by resolution of the City Council.

**SECTION 4-12 GROUNDS FOR DENIAL OR REVOCATION OF LICENSE**

Licenses issued under the provisions of this section may be denied or revoked by the City Clerk for any of the following reasons:

1. Fraud, misrepresentation, or false statement contained in application for license;
2. Fraud, misrepresentation, or false statement made in the course of carrying on the business as a solicitor, exhibitor, or as a canvasser;
3. Conviction of any felony or misdemeanor involving moral turpitude within the past five (5) years;
4. Conducting the business of soliciting in an unlawful manner, or in such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety, or general welfare of the public. This shall include soliciting at residences listed on the No Knock List or those plainly displaying a No Soliciting or No Trespassing sign as provided for herein.

**SECTION 40-13 PROCESS OF REVOCATION OR DENIAL OF LICENSE AND APPEAL**

1. All licenses issued by the City shall be subject to revocation by the City Clerk upon any breach of any condition prescribed by ordinance for the regulation of such licensed occupation or in the event such licensee operates such licensed occupation or business in violation of the laws of the City or the state, or in violation of any law or regulation of the United States Government.
2. The City Clerk’s office shall give notice either in person, by telephone, mail or email to the licensee of the denial or revocation of their license. If mailed, the notice shall be sent to the address listed on the application or license. The license shall stand revoked or denied from the time notice is made to the licensee either in person or by telephone or is received by mail by the licensee.
3. Any licensee may appeal a denial or revocation to the City Manager within ten (10) days after delivery or receipt of the notice by filing a written request with the City Clerk for a hearing. The hearing shall be held by the City Manager or his or her designee. The appealing licensee may be represented by counsel. The hearing shall be conducted in an informal manner, but no license shall be revoked or denied except upon a preponderance of the evidence. The City Manager or his or her designee may affirm, modify or vacate the order of revocation or denial, and his or her decision shall be final.

**SECTION 40-14 PENALTY**

Any person who engages in soliciting or peddling without a valid license or permit as required, or who violates any provision of this section, is guilty of an offense, and upon conviction shall be fined, including costs as provided in Section 1-11 of this code. Every day upon which a violation continues shall be deemed a separate offense.

 ***SECTION 2:*** The provisions of this ordinance are severable and if any part or parts of this ordinance are held to be invalid, then the decision of the court so holding shall not affect the remaining provisions.

 ***SECTION 3:*** All ordinances or parts of ordinances in conflict herewith are expressly repealed.

 ***SECTION 4:*** This ordinance shall become effective on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 PASSED, APPROVED AND ADOPTED this 2nd day of May, 2016.

 **CITY OF COLLINSVILLE, OKLAHOMA**

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Bud York, Mayor

**ATTEST:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Angela McGinnis, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Ken Ray Underwood, City Attorney